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HOUSE BILL 1260

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOE NESTOR CHAVEZ

AN ACT

RELATING TO GAMBLING; RAISING THE PERMISSIBLE WINNINGS LIMIT FOR
NONPROFIT BINGO AND RAFFLE GAMES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2B-8 NMSA 1978 (being Laws 1981,
Chapter 259, Section 8) is amended to read:

"60-2B-8. PERSONS PERMITTED TO CONDUCT GAMES-- PREMISES--
EQUIPMENT-- EXPENSES [~~COMPENSATION~~].--

A. No person shall hold, operate or conduct any
games of chance under any license issued under the Bingo and
Raffle Act except an active member of the organization to which
the license is issued, and no person shall assist in the
holding, operating or conducting of any games of chance under
that license except an active member or a member of an
organization or association which is an auxiliary to the

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1 licensee, a member of an organization or association of which
2 the licensee is an auxiliary or a member of an organization or
3 association which is affiliated with the licensee by being, with
4 it, auxiliary to another organization or association and except
5 bookkeepers or accountants as provided in this section. No item
6 of expense shall be incurred or paid in connection with the
7 holding, operating or conducting of any game of chance held,
8 operated or conducted pursuant to any license issued under that
9 act except bona fide expenses in reasonable amount for goods,
10 wares and merchandise furnished or services rendered, reasonably
11 necessary for the holding, operating or conducting [~~thereof~~] of
12 the game. No games of chance shall be conducted with any
13 equipment except that which is owned or leased by the licensee.

14 B. The officers of a licensee shall designate a bona
15 fide active member of the licensee to be in charge of and
16 primarily responsible for the conduct of the games of bingo or
17 lotto on each occasion. The member in charge shall supervise
18 all activities on the occasion for which he is in charge and be
19 responsible for the making of the required report. The member
20 in charge shall be familiar with the provisions of the state
21 laws, the rules and regulations of the licensing authority and
22 the provisions of the license. He shall be present on the
23 premises continuously during the games and for a period of at
24 least thirty minutes after the last game.

25 C. The officers of a licensee shall designate an

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1 officer to be in full charge and primarily responsible for the
2 proper utilization of the entire net proceeds of any game in
3 accordance with state law.

4 D. The entire net proceeds of any game shall be
5 devoted to a lawful use [~~or uses~~].

6 E. Each license issued for the conduct of games of
7 chance shall be conspicuously displayed at the place where any
8 game is being conducted at all times during the conduct of the
9 game and for at least thirty minutes after the last game has
10 been concluded.

11 F. The premises where any game of chance is being
12 held, operated or conducted or where it is intended that any
13 equipment be used shall at all times be open to inspection by
14 the licensing authority, its agents and employees and by peace
15 officers of any political subdivision of the state.

16 G. No licensee may hold, operate or conduct a game
17 of bingo or lotto more often than on two hundred sixty occasions
18 in any calendar year.

19 H. When any merchandise prize is awarded in a game
20 of bingo, its value shall be its current retail price. No
21 merchandise prize shall be redeemable or convertible into cash
22 directly or indirectly.

23 I. Equipment, prizes and supplies for games of bingo
24 shall not be purchased or sold at prices in excess of the usual
25 price [~~thereof~~] of the equipment, prizes and supplies.

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1 J. The aggregate amount of all prizes offered or
2 given in all games played on a single occasion shall not exceed
3 [~~one thousand five hundred dollars (\$1,500)~~] five thousand
4 dollars (\$5,000), which shall be exclusive of pull tabs.

5 K. No games shall be conducted more than five times
6 in any one calendar week, with no game lasting more than four
7 hours on each occasion and not more than two occasions in one
8 calendar day by any one licensee.

9 L. The net profits derived from the holding of games
10 of chance [~~must~~] shall be devoted to the lawful purposes of the
11 organization permitted to conduct the games. Any organization
12 desiring to hold the net profits of games of chance for a period
13 longer than one year [~~must~~] shall apply to the licensing
14 authority for special permission, and, upon good cause shown,
15 the authority shall grant the request.

16 M Any licensee which does not report, during any
17 one-year period, net profits [~~will~~] shall be required to show
18 cause before the licensing authority why its right to conduct
19 games of bingo should not be revoked.

20 N. No person shall assist in the holding, operating
21 or conducting of a bingo game under any license except bona fide
22 active members of the licensee, active members of any
23 organization which is an auxiliary to the licensee or active
24 members of an organization which is affiliated with the licensee
25 by being, with it, auxiliary to another organization.

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1 0. The equipment used in the playing of bingo and
2 the method of play shall be such that each card has an equal
3 opportunity to be a winner. The objects or balls to be drawn
4 shall be essentially the same as to size, shape, weight, balance
5 and all other characteristics that may influence their
6 selection. All objects or balls shall be present in the
7 receptacle before each game is begun. All numbers announced
8 shall be plainly and clearly audible to all the players present.
9 Where more than one room is used for any one game, the
10 receptacle and the caller [~~must~~] shall be present in the room
11 where the greatest number of players are present, and all
12 numbers announced shall be plainly audible to the players in the
13 [~~aforsaid~~] room where the receptacle and caller are and [~~also~~]
14 audible to the players in the other rooms. A fair and equal
15 chance shall be given to all participants, and any licensee, its
16 representative, agent or employees whose acts or action may tend
17 to negate the "right of equal chance" shall constitute grounds
18 for revoking [~~such~~] the license.

19 P. The receptacle and the caller who removes the
20 objects or balls from the receptacle [~~must~~] shall be visible to
21 all the players at all times except where more than one room is
22 used for any one game, in which case the provisions of
23 Subsection 0 of this section shall prevail.

24 Q. The particular arrangement of numbers required to
25 be covered in order to win the game and the amount of the prize

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1 shall be clearly and audibly described and announced to the
2 players immediately before each game is begun.

3 R. Any player is entitled to call for a verification
4 of all numbers drawn at the time a winner is determined and for
5 a verification of the objects or balls remaining in the
6 receptacle and not yet drawn. The verification shall be made in
7 the immediate presence of the member designated to be in charge
8 of the occasion [~~but~~] or, if [~~such~~] that member is also the
9 caller, [~~then~~] in the immediate presence of any officer of the
10 licensee.

11 S. In the playing of bingo, no person who is not
12 physically present on the premises where the game is actually
13 conducted shall be allowed to participate as a player in the
14 game.

15 T. No person shall act as a caller in the conduct of
16 any game of bingo unless he has been a member in good standing
17 of the licensee conducting the game or one of its licensed
18 auxiliaries for at least six months immediately prior to the
19 date of [~~such~~] the game, is of good moral character and has
20 never been convicted of a felony.

21 U. No owner, co-owner or lessee of the premises [~~or~~]
22 and, if a corporation is the owner of the premises, [~~any~~] no
23 officer, director or stockholder owning more than ten percent of
24 the outstanding stock shall be a person responsible for or
25 assisting in the holding, operating or conducting of any game of

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Section 2. EMERGENCY. --It is necessary for the public
peace, health and safety that this act take effect immediately.

- 7 -

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE**, to whom has
been referred

HOUSE BILL 1260

has had it under consideration and reports same with
recommendation that it **DO PASS**, and thence referred to the
TAXATION AND REVENUE COMMITTEE.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Fred Luna, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Hobbs, Lutz, J. G. Taylor, Varela

Absent: Getty

M \H1260

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 12, 1997

Mr. Speaker:

**Your TAXATION AND REVENUE COMMITTEE, to whom has
been referred**

HOUSE BILL 1260

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Jerry W. Sandel, Chairman

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FORTY-THIRD LEGISLATURE
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Gubbels

Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 14, 1997

Mr. Speaker:

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred**

HOUSE BILL 1260

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Max Coll, Chairman

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FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Bird, Buffett, Coll, Marquardt, Picraux

Absent: None

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FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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March 21, 1997

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10 Mr. President:

11

12 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
13 referred

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HOUSE BILL 1260

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17 has had it under consideration and reports same with
18 recommendation that it DO PASS.

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19

Respectfully submitted,

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Shannon Robinson, Chairman

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Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HB-1260

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(Chief Clerk)

(Chief Clerk)

4

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Date _____

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8

The roll call vote was 6 For 1 Against

9

Yes: 6

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No: Rodarte

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Excused: Ingle, Smith

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Absent: None

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